

FILED IN CLERK'S OFFICE

U.S.D.C. Atlanta

FEB 26 2021

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

United States District Court

for the

District of

Division

Charles Becoat and The Estate of Freida J. Becoat

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

PNC Bank NA. aka PNC Financial Services Group

300 Fifth Avenue

Pittsburgh, PA

15222

Reed Smith, LLP

Samantha J. Chugh, Esq.

schugh@reedsmith.com

20 Stanwix Street

Suite 1200

Pittsburgh, PA 15222-4809

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

*(to be filled in by the Clerk's Office)*Jury Trial: (check one) ☒ Yes ☐ No

1:21-CV-0830

| COMPLAINT FOR A CIVIL CASE | |
|--|---|
| I. The Parties to This Complaint | |
| A. The Plaintiff(s) | |
| Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed. | |
| Name | Charles Becoat |
| Street Address | 944 Brookmere Court |
| City and County | Atlanta, Fulton County |
| State and Zip Code | Georgia, 30349 |
| Telephone Number | 347-670-3566 |
| E-mail Address | charlesbecoat1@gmail.com |
| B. The Defendant(s) | |
| Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed. | |
| Defendant No. 1 | |
| Name | PNC Bank aka PNC Financial Services Group |
| Job or Title (if known) | Kristen Kinander Contact person of record |
| Street Address | 300 Fifth Avenue |
| City and County | Pittsburgh |
| State and Zip Code | PA, 15222 |
| Telephone Number | |
| E-mail Address (if known) | kristen.kinnander@pnc.com |
| Defendant No. 2 | |
| Name | Reed Smith LLP |

| | |
|----------------------------------|------------------------------|
| Job or Title <i>(if known)</i> | Counsel |
| Street Address | 20 Stanwix Street Suite 1200 |
| City and County | Pittsburgh |
| State and Zip Code | PA 15222 |
| Telephone Number | |
| E-mail Address <i>(if known)</i> | schugh@reedsmith.com |
| Defendant No. 3 | |
| Name | |
| Job or Title <i>(if known)</i> | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address <i>(if known)</i> | |
| Defendant No. 4 | |
| Name | |
| Job or Title <i>(if known)</i> | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address <i>(if known)</i> | |

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

| | | | |
|--------------------------|---|--------------------------|--|
| <input type="checkbox"/> | Violation of the Fair Housing Act, HOEPA, ECOA, FHA and HUD guidelines. | <input type="checkbox"/> | Racial bias, Unfair business practices, Breach of contract, retaliation, intimidation and Inducing foreclosure |
|--------------------------|---|--------------------------|--|

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question (X)

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

| | |
|--------------------------|--|
| <input type="checkbox"/> | Fair Housing Act Home Ownership and Equity Protection Act Equal Credit and Opportunity Act |
|--------------------------|--|

B. If the Basis for Jurisdiction Is Diversity of Citizenship (X)**1. The Plaintiff(s)****a. If the plaintiff is an individual**

| | | |
|------------------------------|----------------|-----------------------|
| The plaintiff, <i>(name)</i> | Charles Becoat | , is a citizen of the |
| State of <i>(name)</i> | Georgia | . |

b. If the plaintiff is a corporation

| | | |
|--|---|-------------------------|
| The plaintiff, (name) | PNC Bank aka PNC Financial Services Group | , is incorporated |
| under the laws of the State of (name) Pennsylvania | | , |
| and has its principal place of business in the State of (name) Pennsylvania | | |
| <p>(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)</p> | | |
| 2. The Defendant(s) | | |
| a. If the defendant is an individual | | |
| The defendant, (name) | | , is a citizen of |
| the State of (name) | | . Or is a citizen of |
| (foreign nation) | | . |
| b. If the defendant is a corporation | | |
| The defendant, (name) | | , is incorporated under |
| the laws of the State of (name) | | , and has its |
| principal place of business in the State of (name) | | . |
| Or is incorporated under the laws of (foreign nation) | | , |
| and has its principal place of business in (name) | | . |
| <p>(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)</p> | | |
| 3. The Amount in Controversy | | |
| <p>The amount in controversy the amount the plaintiff claims the defendant owes or the amount at stake is more than \$75,000, not counting interest and costs of court, because (explain):</p> | | |

| | |
|---|---|
| | <p>The amount in controversy is \$500,000.00 dollars plus punitive damages for emotional and pshycolgical pain and suffering, TBD which is a combination of the property value, equity, rental income and principle, interest, taxes, legal and other fees and loss of equity amd other costs associated with the defendnats discriminatory acts, unfair business practices and breech of contract.</p> |
| <p>III. Statement of Claim</p> <p>Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.</p> | |
| | <p>Subject property 437 West Division Street #311 Chicago, IL 60610</p> <p>To whom it may concern I am writing this letter to express my extreme disappointment in the lack of consideration and good faith under which PNC bank has handled my request for a payment plan or mediation after my mother Freida Becoat passed on June 7th 2019. There hasn't been any type of options for temporary or long-term relief offered me in any capacity. I faxed the death certificate and her will stating me as the sole heir within two weeks of her passing and completed a modification application good faith within 45 days of her passing. On that application I informed PNC bank that I would be placing tenants in the property and would be willing to make partial payments over 50% of the mortgage payment to them until a tenant was secured. Additionally I asked PNC bank to place a legal hold on their email server regarding her account from 5/1/11 to 11/15/11. There were some major discrepancies in the process of her purchasing the property which she missed two dialysis appointment due to at least two botched closings and missed the deadline for a \$30,000 grant which I think was negligence. The premise of this letter is I feel that PNC bank is engaging in discrimination, unfair business practices, retaliation, intimidation, inconsistent communication, requiring excessive documentation and inducing the foreclosure process using these methods. I was told on my first denial in December of 2018 that my DTI was too high based on the entire amount of my rent even though there was a second party on my lease for which I should have only been held accountable for half of the rent, which is industry standard when applying for a mortgage. After I filed a complaint with Consumer Financial Protection Bureau and other government entities. I was encouraged to re apply for another modification with a co-borrower in which I followed suit and added my domestic partner and the mother of my child Kristin Carothers P.H.D. We submitted the application in full and were issued another denial based on the property not being our primary residence not an issue of debt to income ratio. I inquired as to whether PNC has ever offered a payment plan or any type of relief to any non owner occupied property with an FHA loan and the representative could not confirm that as a fact even they told me that could not offer me any help because it was policy set forth by FHA. I have experienced an extreme amount of anxiety and emotional distress regarding this matter.</p> |

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Damages are \$500,000.00 plus punitive damages. The defedant caused the plaintiff to take out a higher interest loan and transfer ownership access and deplete substantial equity in the property, potential rent income loss, in addition to having to pay a multitude in legal and other fees under duress.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where caserelated papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

| | | |
|---------------------------|-----------------------|--|
| Date of signing: | 2/26/2021 | |
| Signature of Plaintiff | <i>Charles Becoat</i> | |
| Printed Name of Plaintiff | Charles Becoat | |

| | | |
|--------------------------|--|--|
| B. For Attorneys | | |
| Date of signing: | | |
| | | |
| Signature of Attorney | | |
| Printed Name of Attorney | | |
| Bar Number | | |
| Name of Law Firm | | |
| Street Address | | |
| State and Zip Code | | |
| Telephone Number | | |
| E-mail Address | | |
| | | |